

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 1986

INTRODUCER: Transportation Committee and Senator Ring

SUBJECT: License Plates/Go Green

DATE: April 7, 2010

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McManus	Meyer	TR	Fav/CS
2.			CU	
3.			GA	
4.			RC	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to develop three specialty license plates:

- The “Go Green” specialty license plate – An annual use fee of \$25 per tag shall be distributed to the Coalition for Renewable Energy Solutions, Inc., to fund programs and projects that publicize renewable energy solutions and encourage a cleaner and safer environmental future.
- The “Preserving the Past” specialty license plate – An annual use fee of \$25 per tag shall be distributed to the Toomey Foundation for the Natural Sciences, Inc., which shall use the funds to acquire, manage, and preserve properties that are of scientific importance to paleontologists, archeologists, or geologists for the purposes of research and education.
- The “Peace” specialty license plate – An annual use fee of \$25 per tag shall be distributed to the Toomey Foundation for the Natural Science, Inc., which shall use the funds to support educational, research, and scientific activities in the state.

The organizations have met the statutory application requirements for a new specialty license plate and falls within the exception from the moratorium on new specialty license plates created by the 2008 Legislature. This bill will take effect October 1, 2010.

The bill amends s. 320.08058(18)(a), F.S., pertaining to the Sea Turtle specialty license plates, so that a maximum of 10% of annual use fee revenue may be used for marketing the license plate and for administrative costs.

This bill amends sections 320.08056 and 320.08058, Florida Statutes.

II. Present Situation:

Specialty License Plates

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the state university system.

Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in specific terms, including a sample plate conforming to the specifications set by DHSMV.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs. The Auditor General is required to validate the methodology, results, and any evaluation by DHSMV of the scientific sample survey prior to the submission of the specialty license plate for approval by the Legislature.
- An application fee, not to exceed \$60,000, to defray DHSMV's cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenue from the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, the application fee is refunded to the requesting organization.

In 2008, the Legislature passed SB 1992, which included a moratorium on the issuance of specialty plates by DHSMV. The moratorium is effective from July 1, 2008 to July 1, 2011, but contains an exception "for [any] specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008" or "which was included in a bill filed during the 2008 Legislative Session."¹ There were 12 organizations

¹ S. 45, 2008-176, Laws of Florida

which met the moratorium exceptions; however, only one organization's specialty license plate was enacted during the 2009 Session.²

Section 320.08056, F.S., provides DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof.

DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plate's pro rata (proportionate) share of DHSMV's costs directly related to issuing the specialty license plate. A person wishing to purchase a specialty license plate must pay, in addition to the required license plate fee and license tax, a license plate annual use fee (from \$15 to \$25) and a processing fee of \$5.

In an effort to manage the number of specialty license plates and to eliminate those less popular the Legislature during the 2004 Session enacted SB 2020 which provides DHSMV must discontinue the issuance of an approved specialty plate if the number of valid specialty license plates in use falls below 1,000 plates for at least 12 consecutive months. DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists, if the organization has stopped providing services authorized to be funded, or if the organization requests it. To date, only four plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate, and the Corrections Foundation plate.

Annual use fees, or any interest earned from those fees, may be used by the authorized organization for public or private purposes; however, the annual fees may not be used for commercial or for-profit activities, or for general administrative expenses (except as specifically authorized or to pay the cost of the audit or report required to ensure the proceeds are used as authorized).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly. DHSMV can examine all records pertaining to the use of specialty license plate revenues.

² Organizations that have met the moratorium exceptions, but have not been legislatively authorized include: Coalition for Renewable Energy Solutions – "Go Green", East Coast Surfing Hall of Fame and Museum – "Let's Go Surfing", Florida Horse Park – "Discover Florida's Horses", Fraternal Order of Police – "Fraternal Order of Police", Guy Harvey Ocean Foundation – "Catch Me Release Me", Surfing Evolution and Preservation – "Endless Summer", St. Johns River Alliance – "St. Johns River", Florida Biodiversity Foundation – "Save Wild Florida", Sons of Confederate Veterans – "Confederate Heritage", Toomey Foundation for the Natural Sciences – "Preserving the Past", and Toomey Foundation for the Natural Sciences – "Trinity". The University of Miami - Center for Autism and Related Disabilities – "Autism Awareness" specialty license plate was created during the 2009 Session (see 2009-71, L.O.F.).

There are currently 113 specialty license plates authorized by the Legislature to date. Sales of specialty license plates generated over \$37 million in annual use fee revenues during the 2009 Fiscal Year (July 2008-June 2009).

The Coalition for Renewable Energy Solutions

The Coalition for Renewable Energy Solutions (CRES), based in Palm Beach Gardens, is a Florida nonprofit organization founded to create, encourage and support productive public-private relationships in the pursuit of a sustainable world. CRES has decided to step in and step up to assist in encouraging the development of ideas, informed education and the implementation of programs regarding viable renewable energy and 'Green' solutions, including solar energy.

DHSMV has found the "Go Green" license plate has met the application requirements and falls within the exception from the moratorium on new specialty license plates created by the 2008 Legislature, as the Foundation submitted its materials before May 2, 2008.

Toomey Foundation for the Natural Sciences, Inc. The Toomey Foundation for the Natural Sciences, Inc., was established to promote the acquisition, protection, and study of scientifically important land and environmental resources. To help achieve this mission, the Toomey Foundation provides scientific grants to help researches in the fields of archeology, astronomy, botany, geology and paleontology. The Toomey Foundation is committed to land preservation and has been pledged 80 acres of islands located in the Braden River in Manatee County, Florida.

DHSMV has found the "Preserving the Past" and "Peace" license plates have met the application requirements and falls within the exception from the moratorium on new specialty license plates created by the 2008 Legislature, as the Foundation submitted its materials before May 2, 2008.

III. Effect of Proposed Changes:

The bill authorizes DHSMV to develop and issue a Coalition for Renewable Energy Solutions, Inc., license plate titled "Go Green." Drivers can purchase the specialty plate upon payment of the appropriate license taxes and fees and a \$25 annual use fee.

The bill creates the "Go Green" specialty license plate. The annual use fee is \$25. The annual use fees will be distributed to the Coalition for Renewable Energy Solutions, Inc. The coalition will retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10% of the annual use fees may be used for administrative costs directly associated with the operation of the coalition and promotion and marketing of the plate. Any remaining funds shall be used by the coalition to fund programs and projects that publicize renewable energy solutions as follows:

- Up to 40% to fund the "Go Green Florida" Grants and Awards Program.
- Up to 25% to fund education and outreach programs that publicize renewable energy solutions.
- Up to 25% to fund educational programs and materials that emphasize sustainable development practices.

The bill authorizes DHSMV to develop and issue a Toomey Foundation for the Natural Sciences, Inc., license plate titled "Preserving the Past." Drivers can purchase the specialty plate upon payment of the appropriate license taxes and fees and a \$25 annual use fee.

The bill creates the “Preserving the Past” specialty license plate. The annual use fee is \$25. Revenue collected from the annual use fees will be distributed to the Toomey Foundation for the Natural Sciences, Inc., which will retain the 50% of the proceeds until the startup costs to develop and establish the plate have been recovered. Thereafter, a maximum 25% of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation. The remaining fees will be used by the foundation to acquire, manage, and preserve properties that are of scientific importance to paleontologists, archeologists, or geologists for the purposes of research and education, and to promote and protect the unique natural sciences of this state.

The bill authorizes DHSMV to develop and issue a Toomey Foundation for the Natural Sciences, Inc., license plate titled “Peace.” Drivers can purchase the specialty plate upon payment of the appropriate license taxes and fees and a \$25 annual use fee.

The bill creates the “Peace” specialty license plate. The annual use fee is \$25. Revenue collected from the annual use fees will be distributed to the Toomey Foundation for the Natural Sciences, Inc., which will retain 50% of the proceeds until the startup costs to develop and establish the plate have been recovered. Thereafter, a maximum of 25% of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation. The remaining fees will be used by the foundation to support educational, research, and scientific activities in this state.

The bill amends s. 320.08058(18)(a), F.S., pertaining to the Sea Turtle specialty license plates, so that a maximum of 10% of annual use fee revenue may be used for marketing the license plate and for administrative costs.

This bill will take effect October 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons wishing to purchase a “Go Green,” “Preserving the Past,” or “Peace” license plate can do so for an additional charge of \$25 (plus \$5 processing fee) beyond the normal fees associated with buying a license plate.

The Coalition for Renewable Energy Solutions, Inc., and the Toomey Foundation for the Natural Sciences, Inc., have each paid the required \$60,000 application fee, which will be refunded if the plates are not approved by the Legislature.

C. Government Sector Impact:

The DHSMV is responsible for developing and distributing the “Go Green,” the “Preserving the Past,” and the “Peace” specialty license plates. The cost of this effort is approximately \$60,000 per specialty license plate. This impact will be offset by the \$60,000 application fee each organization has already paid.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on April 7, 2010:

Amendment 875198 creates the “Go Green,” “Preserving the Past,” and “Peace” specialty license plates.

Amendment 539250 amends s. 320.08058(18)(a), F.S., pertaining to the Sea Turtle specialty license plates, so that a maximum of 10% of annual use fee revenue may be used for marketing the license plate and for administrative costs.

B. Amendments:

None.